

THURSDAY, APRIL 24, 1997

THIRTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative West.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Huskey; illness

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1405: Rep(s). Langster, Walker, McMillan, Patton, Ford, Godsey, Mumpower, Williams, Sharp, McDaniel, Stamps, Jackson, J. DeBerry, Bittle, L. DeBerry, Davis, Hood, Walley, Winningham, Sands, Roach, Gunnels, Hicks, Whitson, Turner

THURSDAY, APRIL 24, 1997 -- THIRTY-FOURTH LEGISLATIVE DAY

(Hamilton), Eckles, Ferguson, Wood, Caldwell, White, Fitzhugh, Stulce, Boyer, Sargent, Kerr and Clabough, U. Jones and Pleasant as prime sponsor(s).

House Bill No. 1815: Rep(s). Dunn as prime sponsor(s).

MESSAGE FROM THE SENATE

April 24, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 209; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 209 -- Memorials, Public Service - Officer Joe Frazier. by *Herron.

MESSAGE FROM THE SENATE

April 24, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 191, 192, 193 and 194; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 191 -- Memorials, Sports - Pleasant View Christian School varsity cheerleaders. by *Kurita.

Senate Joint Resolution No. 192 -- Memorials, Sports - Pleasant View Christian School varsity boy's basketball team. by *Kurita.

Senate Joint Resolution No. 193 -- Memorials, Sports - Pleasant View Christian School junior varsity cheerleaders. by *Kurita.

Senate Joint Resolution No. 194 -- Memorials, Professional Achievement - DAR, Margaret Gaston Chapter, Lebanon, 100th anniversary. by *Rochelle.

MESSAGE FROM THE SENATE

April 24, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 202; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 213** -- Highway Signs - "W.T. Cutchin Bridge," Obion River and S.R. 88 on S.R. 181. by *Fitzhugh, *Cole (Dyer).

Transportation Committee

***House Joint Resolution No. 217** -- Memorials, Congress - Urges stable and adequate funding of U.S. Department of Energy's Environmental Management Program for Oak Ridge Reservation. by *Cross.

Conservation & Environment Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 28, 1997:

House Joint Resolution No. 220 -- Memorials, Academic Achievement - Tim Braden, 1997 Valedictorian, Anderson County High School. by *Caldwell.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 28, 1997:

Senate Joint Resolution No. 191 -- Memorials, Sports - Pleasant View Christian School varsity cheerleaders. by *Kurita.

Senate Joint Resolution No. 192 -- Memorials, Sports - Pleasant View Christian School varsity boy's basketball team. by *Kurita.

Senate Joint Resolution No. 193 -- Memorials, Sports - Pleasant View Christian School junior varsity cheerleaders. by *Kurita.

Senate Joint Resolution No. 194 -- Memorials, Professional Achievement - DAR, Margaret Gaston Chapter, Lebanon, 100th anniversary. by *Rochelle.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 154** -- Memorials, Congress - Urges designation of Y-12 plant in Oak Ridge as National Prototype Center. by *McNally, *Davis L, *Henry.

Commerce Committee

***Senate Joint Resolution No. 169** -- General Assembly, Confirmation of Appointment - Beverly Wheeler Johnson, wildlife resources commission. by *Cooper.

Conservation & Environment Committee

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 112** -- Alcoholic Offenses - Expands prohibition against open containers of alcoholic beverages in motor vehicles to include passengers Amends TCA Section 55-10-416. by *Jordan. (HB562)

***Senate Bill No. 175** -- Criminal Offenses - Narrows exclusions from definition of "specified unlawful activity" for money laundering from all gambling offenses to exclude only gambling and gambling promotion. Amends TCA Title 39, Chapter 14. by *McNally, *Crowe. (HB1790)

***Senate Bill No. 415** -- Correction, Dept. of - Directs department to have each inmate undergo HIV testing during classification Amends TCA Title 41, Chapter 21, Part 1. by *Dixon. (HB409)

***Senate Bill No. 443** -- Workers' Compensation - Authorizes courts to award additional attorney's fees in workers' compensation cases if necessary to enforce medical expenses which were part of settlement or judgment. Amends TCA Title 50, Chapter 6, Part 2. by *Haynes. (HB1445)

***Senate Bill No. 510** -- Probation - Establishes standards for private contractors who supervise misdemeanor probationers Amends TCA Section 40-35-302. by *Springer, *Crutchfield. (HB437)

***Senate Bill No. 606** -- Private Protective Services - Requires chief law enforcement officers to notify commissioner of commerce and insurance within ten business days that person has been denied permit to carry firearm. Amends TCA Title 49, Chapter 7 and Title 62, Chapter 35. by *Henry. (HB790)

THURSDAY, APRIL 24, 1997 -- THIRTY-FOURTH LEGISLATIVE DAY

***Senate Bill No. 886** -- Election Laws - Permits county election commission to have paper ballots counted by central absentee counting board. Amends TCA Section 2-7-131. by *Dixon. (HB1470)

Senate Bill No. 986 -- Aged Persons - Authorizes department of health to establish daily or monthly amount by which reimbursement shall be paid to residential homes for aged participating in state pilot program instead of present requirement of \$13.00 per day less patient income. Amends TCA Section 12-4-320. by *Ford J, *Dixon. (*HB411)

***Senate Bill No. 1649** -- Education, Higher - Deletes dollar cap on student activity fees; removes prohibition on having student referendum within two years of failed referendum on raising fees. Amends TCA Section 49-8-110. by *Crowe. (HB1705)

Senate Bill No. 1663 -- Taxes, Franchise - Extends business franchise tax job tax credit for each net new full time employee job through January 1, 2008. Amends TCA Section 67-4-908(c). by *Miller J, *Williams, *Elsea, *McNally, *Atchley, *Person, *Jordan, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J, *Fowler. (*HB1243)

Senate Bill No. 1674 -- Parks, Natural Areas Preservation - Incorporates additional lands into designated natural areas. Amends TCA Section 11-14-108. by *Gilbert, *Williams, *Elsea, *McNally, *Atchley, *Person, *Jordan, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J. (*HB1251)

Senate Bill No. 1831 -- Civil Procedure - Expands personal jurisdiction and out-of-state service of process based on enduring relationship or conduct; provides for personal jurisdiction on any basis authorized by law or by state or federal constitution. Amends TCA Title 20, Chapter 2. by *Haynes. (*HB1687)

Senate Bill No. 1837 -- Insurance, Health, Accident - Requires written description of policy coverage provided to certain plan beneficiaries to include required coverage for phenylketonuria. Amends TCA Title 56, Chapter 7, Part 25. by *Herron, *Dixon. (*HB1743)

Senate Bill No. 1883 -- Funeral Directors and Embalmers - Permits prevailing party proving fraud in civil action relative to pre-need funeral contracts to receive treble damages, attorney fees, costs, and interest; requires yearly audits of persons that sell pre-need funeral contracts; requires commissioner to promulgate and revise rules concerning pre-need funeral contracts. Amends TCA Title 56, Chapter 34 and Title 62, Chapter 5, Part 4. by *McNally. (*HB1792)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1982 -- Obion County -- Local Bill Held on House Desk

THURSDAY, APRIL 24, 1997 -- THIRTY-FOURTH LEGISLATIVE DAY

House Bill No. 1983 -- Murfreesboro -- Local Bill Held on House Desk

House Bill No. 1984 -- Murfreesboro -- Local Bill Held on House Desk

House Bill No. 1985 -- Anderson County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 24, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 30, 1997**: House Bill(s) No(s).1550, 266, 665, 1733, 1009 and 1008.

The Committee met and set the following bill(s) on the **Regular Calendar for May 1, 1997**: House Resolution(s) No(s). 55.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for April 28, 1997**: House Bill(s) No(s). 193, 194, 181, 189, 172, 197, 1368, 1531 and House Joint Resolution(s) No(s).168.

CONSENT CALENDAR

House Resolution No. 60 -- Memorials, Recognition and Thanks - Leonard Barding Sr. by *Ferguson.

House Resolution No. 62 -- Memorials, Professional Achievement - 1997 Honorarium for Women and Industry Honorees. by *Westmoreland, *Hicks, *Mumpower, *Godsey, *Givens.

House Resolution No. 63 -- Memorials, Death - Joseph J. Wimberly, III. by *Hargrove.

House Joint Resolution No. 209 -- Memorials, Sports - Billy Schrivner, National Sports Hall of Fame. by *Kisber, *McDaniel.

House Joint Resolution No. 210 -- Memorials, Death - John Robertson. by *Goins.

House Joint Resolution No. 212 -- Memorials, Personal Achievement - Korey Bruce Clifton, Eagle Scout. by *Pleasant, *Haley, *Hargett.

House Joint Resolution No. 215 -- Memorials, Recognition and Thanks - David Seivers, "Good Guy Award" recipient. by *Winningham, *Ridgeway, *Cross, *Ferguson, *Caldwell.

Senate Joint Resolution No. 195 -- Memorials, Recognition and Thanks - Central Baptist Church of Oak Ridge, 50th anniversary. by *McNally.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1815 -- Motor Vehicles, Titling and Registration - Authorizes commissioner of safety to postpone issuance of new registration plates from January 1, 1995 to January 1, 2001. Amends TCA Section 55-4-103(i). by *Haley, *Pleasant, *McDaniel, *Stamps, *Davis R. (*SB1704 by *Haun, *McNally, *Atchley, *Elsea, *Person, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella, *Fowler)

Rep. Haley moved that House Bill No. 1815 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 1815 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-4-103, is amended by deleting subsection (i) in its entirety and by substituting instead the following:

(i) Commencing January 1, 2000, and on each fifth anniversary thereafter, the commissioner shall cause to be reissued a new registration plate of such design as directed by the commissioner consistent with the terms, conditions and provisions of this section and this chapter. No such new registration plates shall be issued prior to January 1, 2000.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved that **House Bill No. 1815**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 696 -- Taxes, Real Property - Authorizes certain counties and municipalities to waive collection of certain taxes, penalties, and interest under certain circumstances. Amends TCA Title 67, Chapter 1, Part 7. by *Miller L, *Kisber, *Haley, *Brooks. (*SB1013 by *Gilbert, *Leatherwood, *Carter, *Dixon)

Rep. Miller moved that House Bill No. 696 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 696 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 1, Part 7 is hereby amended by adding the following new section:

Section ____.

(a)(1) Notwithstanding any provision of law to the contrary, any county trustee or municipal tax collector may petition the legislative body of any county or municipality to waive enforcement and collection of any personal property tax imposed by a county or municipality pursuant to state law, and to waive enforcement and collection of any penalty and interest on such personal property taxes, in any case of deficiency if:

The local tax collection officer determines after a review of the facts and circumstances pertaining to a personal property tax levy that the business or enterprise which was the subject of the tax levy has ceased all business operations, and,

(A) Such business or enterprise had stopped conducting business prior to the assessment date which became the basis for the assessment and levy of the personal property taxes at issue in the case; or,

(B) The personal property assets of the out of existence business or enterprise cannot be located or have been transferred to a purchaser in good faith under circumstances in which a reasonable person would not make the type of inquiry regarding outstanding tax liability of an assignor of property as required by Section 67-4-721; and

(C) The local tax collection officer determines that the deficiency does not result from fraud or an intention to avoid payment.

(2) The local tax collection officers shall petition the local legislative body to request a waiver of the enforcement and collection of those personal property taxes, and penalties and interest accruing thereon, for those personal property tax accounts in which the local tax collection officer has determined that the criteria set out in subdivision (a)(1) have been satisfied. The local legislative body may waive the enforcement and collection of the personal property taxes, penalties and interest which are the subject of the petition.

(b)(1) Notwithstanding any provision of law to the contrary, any county trustee or municipal tax collector may petition the legislative body of any county or municipality to waive enforcement and collection of any penalties and interest which have accrued on real property taxes and personal property taxes in any case of deficiency if:

The local tax collection officer has determined after a review of the facts and circumstances that the penalties and interest have accrued on property taxes which had been levied against properties, real or personal, which properties, at the time of the filing of the petition set forth herein below, were:

(A) Exempted from property taxation pursuant to Title 67, Chapter 5, Part 2;

(B) The property has been determined to be environmentally hazardous pursuant to both federal and state environmental protection or hazardous materials law by those officials, agencies, or courts with the responsibility for enforcing such environmental protection or hazardous materials laws and the county trustee or municipal tax collector has received notification from both federal and state environmental officials that such property is environmentally hazardous; or

(C) The property has been abandoned or auctioned and a new purchaser of the property has paid any outstanding property tax liability except for penalties and interest.

(2) The local tax collection officer shall determine that the deficiency does not result from fraud or intention to avoid payment.

(3) The local tax collection officer shall petition the local legislative body for a waiver of enforcement and collection of those penalties and interest accruing on property tax accounts in which the local tax collection officer has determined that the criteria set out hereinabove have been satisfied. The petition shall stipulate that the waiver of enforcement and collection of the interest and penalties set forth therein shall be conditioned on the payment of all past due property taxes on which the referenced penalties and

interest have accrued, subject to the approval of the petition by the local legislative body.

(c) Any waiver of enforcement and collection of property taxes, interest, and penalties pursuant to this section shall be included and set forth as a credit in the monthly settlement and annual statement pursuant to Sections 67-5-1902, 67-5-1903 and 67-5-1904.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Miller moved that **House Bill No. 696**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

House Bill No. 1082 -- Education - Requires commissioner of education to annually report certain information pertaining to student suspensions, expulsions and dropouts; requires certain local education agencies to develop and implement plans of action to reduce number of African American dropouts. Amends TCA Title 49, Chapter 1, Part 2. by *Miller L, *Pruitt, *DeBerry J. (*SB405 by *Dixon, *Harper)

On motion, House Bill No. 1082 was made to conform with **Senate Bill No. 405**; the Senate Bill was substituted for the House Bill.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Miller moved that Senate Bill No. 405 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 405 by deleting the first sentence of the amendatory language in Section 2 of the printed bill and substituting the following:

If, pursuant to Section 1(7) of this act, a local school system is reported to possess an average variance of five percent (5%) or more over a three (3) year period between its systemwide student dropout rate and its systemwide African-American dropout rate, and if such local school system has an enrollment of African-American students in excess of one hundred (100), then the local school system is urged to develop a reasonable plan to reduce such variance to less than five percent (5%).

On motion, Amendment No. 1 was adopted.

Rep. Miller moved that **Senate Bill No. 405**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1121 -- Hospitals and Health Care Facilities - Revises law concerning certificates of need. Amends TCA Title 68, Chapter 11, Part 1. by *Armstrong. (*SB1079 by *Haynes)

Rep. Armstrong moved that House Bill No. 1121 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1121 by deleting Sections 1 through 5 in their entirety and substituting therefor the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-104(b)(1), is amended by deleting the phrase "an executive officer of a hospital", and inserting therefor: "a person who has recent experience as an executive officer of a hospital or hospital system".

SECTION 2. Tennessee Code Annotated, Section 68-11-106(a)(2), is amended by deleting the first sentence and substituting therefor the following:

Modification of a health care institution, other than a hospital, including renovations and additions to facilities, where such modification requires a capital expenditure greater than two million dollars (\$2,000,000), or in the case of a hospital where such modification requires a capital expenditure greater than five million dollars (\$5,000,000).

SECTION 3. Tennessee Code Annotated, Section 68-11-106(a)(4), is amended by inserting between the phrase "outpatient surgery" and the symbol "," the following: "(not including outpatient surgery in a physician's office not licensed as an ambulatory surgical treatment center)".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **House Bill No. 1121**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes..... 0

THURSDAY, APRIL 24, 1997 -- THIRTY-FOURTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1405 -- Campaigns - Establishes standard for civil damages in defamation against candidate for public office Amends TCA Title 2 and Title 29, Chapter 24, by *Naifeh, *Hargrove, *Kisber, *Beavers, *Newton, *Boner, *Phelan, *McKee, *Pinion, *Givens, *Cole (Carter), *Cole (Dyer), *Westmoreland, *Kent, *Maddox. (*SB1332 by *Cooper, *McNally)

Speaker Naifeh moved that House Bill No. 1405 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1405 by adding before the enacting clause the following language as a preamble:

WHEREAS, recent elections across this state have unfortunately become more negative in their tone, focusing less on the issues of the day and more on personal attacks of the candidates;

WHEREAS, the people of Tennessee are tired of seeing and hearing campaign advertisements and tactics that are designed to smear a candidate rather than to explain ideas of how a candidate intends to govern;

WHEREAS, the people of Tennessee should be entitled to make informed decisions in voting by having contested elections that are of substance;

WHEREAS, the Tennessee general assembly understands that the United States Supreme Court has held that political speech is our most protected form of speech, but also understands that certain efforts can be taken to regulate the election process; now, therefore,

AND FURTHER AMEND by deleting from Section 1(b) Subdivision (1) in its entirety and by substituting instead the following:

(1) If a person, corporation, organization, entity, or committee publishes, broadcasts, or distributes, or causes to be published, broadcast or distributed any false and defamatory campaign literature or political advertisement relating to the conduct, fitness, or record of any candidate for public office with knowledge of the falsity or with reckless disregard of the truth or falsehood, then such person, corporation, organization, entity, or committee shall be liable upon proof by clear and convincing evidence for damages in a defamation action brought by such candidate.

AND FURTHER AMEND by adding before the severability clause the following new section and by renumbering the subsequent sections accordingly:

SECTION ___. Tennessee Code Annotated, Title 2, Chapter 1, is amended by adding the following new section:

(a) When an individual files a nominating petition with the appropriate office indicating his or her candidacy for state public office, as defined in §2-10-102, the election coordinator or county registrar-at-large shall give the candidate a copy of the code of fair campaign practices for his or her review. Signing the code and adhering to its guidelines are voluntary, and the election coordinator or county registrar-at-large shall so inform each candidate. If a candidate signs the code, the candidate shall file a copy of the signed form within five (5) days of signing, with the election coordinator or county registrar-at-large. The election coordinator or county registrar-at-large shall maintain such copy on file until thirty (30) days after the election.

(b) If a candidate signs the code, such candidate may use with his or her campaign literature a statement of such candidate's compliance with the code.

(c) The secretary of state shall print and distribute the code of fair campaign practices, which shall read as follows:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Tennessee has a moral obligation to observe and uphold in order for the people of this state to exercise their constitutional right to vote in a free and informed way. In order to meet that objective, I _____, being a candidate for the office of _____, agree to the following campaign guidelines:

(1) I will conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and my policies with sincerity and frankness, and limit my attacks on my opponents to only legitimate challenges to his or her record and policies.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I will not use or permit any appeals to negative prejudice based upon race, sex, religion, national origin, physical health status, or age.

(4) I will not use campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opposition.

(5) I will avoid demeaning references to my opponent and demeaning visual images of my opponent.

(6) I will not use or permit any dishonest or unethical practices which tend to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters.

(7) I will defend and uphold the right of every qualified American voter to fully and equally participate in the electoral process.

(8) I will not coerce election help or campaign contributions for myself or for any other candidate from my employees.

(9) I will immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provisions of this code or the laws governing elections.

I, the undersigned candidate for election to public office in the State of Tennessee hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with these principles and practices.

Signature

Date

On motion, Amendment No. 1 was adopted.

Speaker Naifeh moved that **House Bill No. 1405**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Churney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 838 -- Solid Waste Disposal - Authorizes solid waste disposal fee to be listed as separate item in annual property tax bill and collected like delinquent taxes. Amends TCA Title 67 and Title 68, Chapter 211. by *Walley, *Fitzhugh. (*SB1599 by *Wilder)

Rep. Walley moved that House Bill No. 838 be passed on third and final consideration.

Rep. Jones U. requested that State and Local Government Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 838 by deleting the amendatory language of Section 1 of the printed bill and by substituting instead the following:

(4) In any county having a population of not less than twenty-three thousand three hundred (23,300) nor more than twenty-three thousand four hundred (23,400) according to the 1990 federal census or any subsequent federal census, the solid waste disposal fee authorized by this subsection shall be subject to the same penalty and interest as delinquent property taxes if not paid within thirty (30) days after notice of such fee is mailed. The unpaid fees, penalty, interest and cost shall be a lien on the real estate and improvements thereon upon filing of a notice with the office of the register of deeds of the county in which the property lies. Such lien shall be in favor of the jurisdiction, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. The notice shall identify the debtor, owner of record of the real property, contain the property address, describe the property sufficiently to identify it and recite the amount of the obligation secured by the lien. No sale or transfer, including, but not limited to, a transfer to a heir-at-law, assignee or legatee of such real property may be legally closed and recorded until the lien has been satisfied. The same shall apply if the property is to be made the subject of a contract of sale. Upon the sale or transfer of the real property, the successor, successors or assigns shall be required to withhold a sufficient amount of the purchase money to cover the amount of the fees, interest, penalty and cost. The jurisdiction may collect the delinquent fees, penalty, interest and cost through an action for debt filed in any court of competent jurisdiction.

On motion, Amendment No. 2 was adopted.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Walley moved that **House Bill No. 838**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

THURSDAY, APRIL 24, 1997 -- THIRTY-FOURTH LEGISLATIVE DAY

House Bill No. 1569 -- Labor, Dept. of - Adds provision of input relative to program evaluation as additional advisory responsibility of executive steering committee of institute for labor studies Amends TCA Title 4, Chapter 32. by *Langster, *DeBerry L, *Pruitt, *Jones, S., (*SB1609 by *Crutchfield)

On motion, House Bill No. 1569 was made to conform with **Senate Bill No. 1609**; the Senate Bill was substituted for the House Bill.

Rep. Langster moved that Senate Bill No. 1609 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. Langster moved that **Senate Bill No. 1609** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 300 -- Emergency Communications Districts - Exempts Crockett County from training and qualifications standards for 911 board dispatchers. by *Cole (Dyer). (*SB189 by *Wilder)

Rep. Cole (Dyer) moved that House Bill No. 300 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 300 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

THURSDAY, APRIL 24, 1997 -- THIRTY-FOURTH LEGISLATIVE DAY

SECTION 1. Tennessee Code Annotated, Section 7-86-201(b), is amended by adding the following language at the end of subdivision (3):

provided however, this requirement shall not apply to a public safety dispatcher in any county having a population of not less than thirteen thousand three hundred seventy-five (13,375) nor more than thirteen thousand six hundred (13,600), according to the 1990 federal census or any subsequent federal census, who on the effective date of this act is a public safety dispatcher in such county and has at least ten (10) years experience as a public safety dispatcher.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Cole (Dyer) moved that **House Bill No. 300**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: McKee -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1429 -- Housing - Restricts availability of tax increment financing to housing authority properties actually constructed with such financing and leased to private entity Amends TCA Section 13-20-205. by *McAfee. (*SB1559 by *Crutchfield)

Rep. McAfee moved that House Bill No(s). 1429 be reset for the Regular Calendar on Wednesday, April 30, 1997, which motion prevailed.

House Bill No. 1111 -- Juvenile Offenders - Establishes procedure whereby person to whom restitution is ordered from delinquent child can convert unpaid balance of restitution owing at time juvenile court loses jurisdiction over child into civil judgment against such child Amends TCA Title 25; Title 26 and Title 37. by *Boner, *Turner (Hamilton), *Ridgeway, *Hargett, *Goins, *Pleasant, *Haley, *Clabough, *Beavers. (*SB343 by *Haynes)

Further consideration of House Bill No. 1111, previously considered on April 9, 1997, April 10, 1997, April 16, 1997 and April 17, 1997, and reset to today's Calendar.

Rep. Boner moved that House Bill No. 1111 be passed on third and final consideration.

Rep. Boner moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1111 by deleting subdivision (2) from the amendatory language of Section 1, and by substituting instead the following language:

(2)(A) IF restitution is ordered pursuant to this subsection in those cases where the court has made a finding that:

(i) a specified amount is owed;

(ii) such amount is ordered to be paid pursuant to a specific payment schedule; and

(iii) the total amount of such ordered restitution is not paid by the time the juvenile court no longer has jurisdiction over the child;

THEN notwithstanding the provisions of §37-1-133(b) or any other provision of law to the contrary, the recipient of such restitution may convert the unpaid balance of the restitution ordered by the court into a civil judgment in accordance with the procedure set out in this subsection. The payment of such civil judgment shall be at the same payment schedule as that as when the offender was a juvenile.

(B) Under such judgment, payments shall be continued to be made under the specific payment schedule ordered by the juvenile court until the judgment has been satisfied.

On motion, Amendment No. 1 was adopted.

Rep. Boner moved that **House Bill No. 1111**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks, Fowlkes, McMillan -- 3.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Tidwell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 209 out of order, which motion prevailed.

Senate Joint Resolution No. 209 -- Memorials, Public Service - Officer Joe Frazier. by *Herron.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Tidwell, the resolution was concurred in.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Brooks, **House Bill No. 721** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Brooks, **House Bill No. 726** was withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on April 28, 1997:

Senate Bill No. 1655: by Rep. Boyer

House Bill No. 202: by Rep. Kisber

House Bill No. 848: by Rep. Curtiss

House Bill No. 417: by Rep. Givens

Senate Bill No. 51: by Rep. J. DeBerry

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 218 out of order, which motion prevailed.

House Joint Resolution No. 218 -- Memorials, Public Service - Mr. L.W. Legge, Sr. by *Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 182: Rep(s). Brooks, McMillan, Rinks, Arriola, Williams, Boyer, Towns, Hassell, Cole (Dyer), Westmoreland, Roach, Ferguson, McDaniel, Turner (Shelby), Dunn, U. Jones, Chumney, Langster, Hicks, Rhinehart, J. DeBerry, Stamps, Walker, Armstrong, Pruitt, Bowers, Cooper, Davis, Stulce, Clabough, Kerr,

THURSDAY, APRIL 24, 1997 -- THIRTY-FOURTH LEGISLATIVE DAY

Hargett, Burchett, Hargrove, Fitzhugh, Halteman Harwell, Caldwell, Wood, Fraley, McKee, Gunnels and Kisber as prime sponsor(s).

House Bill No. 639: Rep(s). Turner (Shelby) as prime sponsor(s).

House Bill No. 1510: Rep(s). Scroggs, Hargett, Towns, J. DeBerry, Bowers, Haley, Pleasant and Hassell as prime sponsor(s).

MESSAGE FROM THE SENATE

April 24, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 189, 190 and 193; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1268 and 1658; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 24, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 214, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

SIGNED

April 24, 1997

The Speaker signed the following: Senate Bill(s) No(s). 122, 280, 603, 605, 1471, 1665, 1668, 1720, 1762 and 1978; also, Senate Joint Resolution(s) No(s). 170, 171, 173, 174, 176, 177, 178, 180, 181, 184, 185, 186, 187, 190 and 198.

ENGROSSED BILLS

April 24, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 212.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 24, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 300, 696, 838, 1111, 1121, 1405 and 1815, also, House Joint Resolution(s) No(s) 209, 210, 215 and 218.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 24, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 7, 520, 1077, 1177, 1181, 1257, 1330 and 1700; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 212; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 22, 643, 647, 980, 1292, 1349, 1530, 1686, 1729, 1884 and 1937; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 22** -- Sexual Offenses - Makes unlawful sexual penetration of victim aggravated rape where defendant causes victim to be mentally incapacitated or physically helpless by use of controlled substance. Amends TCA Title 39, Chapter 13, Part 5. by *McNally, *Person, *Fowler, *Miller J, *Haun, *Rochelle, *Atchley, *Carter.

***Senate Bill No. 643** -- Workers' Compensation - Adds representative of Tennessee Trial Lawyers Association to workers' compensation advisory board. Amends TCA Section 50-6-121. by *Person.

***Senate Bill No. 647** -- Taxes, Real Property - Requires presentation of valid original paid tax receipt or other written documentation of overpayment in taxes before refund will be paid to taxpayer or taxpayer's agent. Amends TCA Section 67-5-1512(b)(2)(B). by *Person.

***Senate Bill No. 980** -- Education - Includes day schools in list of educational entities relative to immunizations. Amends TCA Title 49, Chapter 6, Part 50. by *Ford J.

THURSDAY, APRIL 24, 1997 -- THIRTY-FOURTH LEGISLATIVE DAY

***Senate Bill No. 1292** -- DUI/DWI Offenses - Authorizes judge to sentence first time DUI offenders to remove litter from highways for 48 hours in lieu of 48 hours of incarceration. Amends TCA Title 55, Chapter 10, Part 4. by *Burks, *Williams, *Rochelle, *Jordan, *Davis L, *Kurita, *Springer, *Crutchfield, *Ramsey.

***Senate Bill No. 1349** -- Banks and Financial Institutions - Increases fee from \$50.00 to \$100 for filing change of name or location of home or branch office of savings and loan association. Amends TCA Title 45. by *Cooper.

Senate Bill No. 1530 -- Alcoholic Beverages - Redefines "community theater" to permit Bessie Smith Hall, Hamilton County to obtain liquor by drink permit Amends TCA Section 57-4-102. by *Crutchfield.

Senate Bill No. 1686 -- Taxes, Sales - Clarifies present practices concerning taxation of manufactured housing. Amends TCA Section 67-6-209; Section 67-6-216; Section 67-6-336 and Section 67-6-702. by *McNally, *Elsea, *Koella, *Haun, *Carter, *Ramsey, *Person, *Leatherwood, *Gilbert, *Jordan, *Miller J, *Fowler, *Crowe.

***Senate Bill No. 1729** -- Solid Waste Disposal - Expands definition of waste tire to include tire no longer suitable for its original intended purpose because of age in addition to wear, damage or defect under Solid Waste Management Act. Amends TCA Title 68, Chapter 211. by *McNally, *Harper.

Senate Bill No. 1884 -- Basic Education Program (BEP) - Allows use of portion of BEP non-class component capital outlay funds for funding of school bonds. Amends TCA Section 49-3-1005. by *McNally.

Senate Bill No. 1937 -- Interstate Compacts - Enacts "Interstate Contracting for Federal Programs Act." Amends TCA Title 12. by *McNally, *Atchley, *Jordan, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe, *Williams.

CONSENT CALENDAR
April 24, 1997

The following local bills have been placed on the Consent Calendar for **April 28, 1997**: House Bill(s) No(s). 1967, 1978, 1982, 1983 and 1984.

RECESS MOTION

On motion of Rep. Rhinehart, the House recessed until 5:00 p.m., Monday, April 28, 1997.